

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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JOSEPH C. CASTELLO,

Case No. 3:22-cv-00106-MMD-CSD

Plaintiff,

ORDER

v.

SONYA BUTLER, *et al.*,

Defendants.

*Pro se* Plaintiff Joseph C. Castello brings this action against Defendants Sonya Butler, Nick Wynn, and Victor Gamboa under 42 U.S.C. § 1983. (ECF No. 4.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 22), recommending that the Court dismiss the case for non-compliance with court orders and failure to prosecute. Castello’s objection to the R&R was due January 3, 2023. To date, Castello has not objected to the R&R. For this reason, and as explained below, the Court adopts the R&R in full and dismisses the case.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Judge Denney correctly found that dismissal is proper due to Castello’s failure to comply with court orders and failure to prosecute the case. (ECF No. 22 at 1-2.) Castello did not file a case management report, did not appear at the November 22, 2022, mandatory telephonic case management conference, did not file a response to the order to show cause or appear at the December 20, 2022, show cause hearing, and has not otherwise responded to the Court’s orders. (ECF Nos. 17, 21, 22 at 2.) Judge Denney previously warned Castello that his case may

1 be dismissed if he failed to respond to the order to show cause or failed to appear at the  
2 show cause hearing. (ECF No. 17.) Having thoroughly considered the dismissal factors,  
3 Judge Denney correctly found that they weigh in favor of dismissal. (ECF No. 22 at 3.)  
4 *See Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1998). Accordingly, the Court adopts  
5 Judge Denney's R&R and dismisses the case.

6 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
7 No. 22) is accepted and adopted.

8 It is further ordered that this case is dismissed without prejudice.

9 The Clerk of Court is directed to close this case and enter judgment accordingly.

10 DATED THIS 6<sup>th</sup> Day of January 2023.

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13 MIRANDA M. DU  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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